

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

Xavier Adams,
Plaintiff,

) Case No.CIV-19-41-JHP-SPS

V.

Tiffany Ade et al.,
Defendants.

)

State of Oklahoma)

) SS:AFFIDAVIT
Hughes County)

FILED

OCT - 4 2019

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

Come Now the affiant Xavier Adams
ODOC#641545 Solemnly swears to the following:

- 1.) I am of a legal age and of sound mind.
I am an inmate in the custody of ODOC
housed at Davis Correctional Facility, in
Holdenville, Oklahoma. I have been housed at
Davis Correctional Facility since April 13, 2016.
I am a paralegal, whom received certificate-
ion from Blackstone Career Institute.
- 2.) I assert that I submitted a inmate request
to the Law Library Supervisor Ms. Patterson on
8/7/19 for the purchase of three (3) copies

of state's policy entitled "Inmate Grievance Process." Despite the fact of her knowledge of my pending court imposed deadline, the law library supervisor did not make those copies available to me until 9/4/19, by way of a substitute law librarian. I refused the copies, because I no longer needed them for my 8/21/19 deadline. Ms. Patterson brought those copies to me on 9/6/19 and I refused them again but was still charged for them on 9/10/19. See Exhibit 1 & 2.

3.) I assert that I have submitted multiple Inmate Requests to receive copy services/have duplicates made since 8/23/19 and consecutive weeks after and have not received copy services for well over a month now. See Exhibits 3 & 4 Inmate Requests 8/23/19 & 9/9/19

4.) I assert that I submitted several Inmate Requests to procure access to the Legal Resource Center/computer and was denied for two weeks in a row. The week of September 3-6, 2019 and the week of September 9-13, 2019. See Exhibits 5-7, Inmate Requests 8/26/19, 9/2/19 & 9/3/19

5.) I assert that on the dates of July 15, 2019 & Aug. 7, 2019 I submitted Inmate Requests to the law library supervisor to checkout The Federal Rules of Civil Procedures for Oklahoma book, but was denied in some form or fashion. See Exhibits 8 & 9, Inmate Request 7/15/19 & 8/7/19

6.) I assert that within the legal resource center/computer, no list of Local Court

Civil Rules exist. If an inmate has no knowledge of the LCR(s) he/she won't be able to learn of them without utilizing humongous amounts of effort and time, that could possibly end in little to no progress. Which is the reasons I requested the checking-out of the Fed.R.Civ.Proc., of Oklahoma.

7.) I assert that on Aug. 5, 2019 I Submitted a Inmate Request to purchase three (3) copies of Request To Staff #2018-0001. I needed those copies to meet my deadline of Aug. 21, 2019 and be in compliance with Local civil court Rule 5.2. Those requested copies weren't delivered until over 4 month later. Well past my deadline, and not in accordance with state's mandated Policy 030115 IV(D)(5) "The law library supervisor will ensure the photocopies are available within 48 hours (excluding weekends and holidays) after the documents were submitted for photocopying." See Exhibits 10-12 Inmate Request 8/5/19, Legal Disbursement 9/13/19 and Access to Courts/Law Library Policy 030115 IV(D)(5).

These are just a few examples of retaliation for utilizing the grievance process and filing a lawsuit against Davis Correctional Facility prison officials.

The Affiant says nothing further.

EXHIBIT 1

09/10/2019 Receipt for
3X copies of OP-090124

DAVIS CORRECTIONAL FACILITY

Inmate Accounting Transaction Receipt

Today's Date: 09/10/2019 1:42:18PM

ADAMS, XAVIER D

E/EB/203/A

Agency # 641545

Perm # 2009810

Transaction Date: 09/10/2019 12:57

Deposit From/Withdrawal To: COPIES - OP-1090124 X3

Transaction Type: CR - COPIES

Document Locator Number:

Amount: \$ 17.25

Case/Order Number:

Check Number:

Memo:

Receipt Number: 14567773

Batch Verifying Officer: ACCOUNTING STAFF

Adding Officer: ACCOUNTING STAFF

Batch Number:

Card #:

Address: .

Beginning Balance: \$ 342.65

Ending Balance: \$ 325.40

Cost Recovery Collected:

To Cost Recovery:

\$17.25 CR - COPIES

\$0.00 CR - COPIES

EXHIBIT 2

Inmate Request Relevant
to Request made on 08/7/19

RECEIVED

Inmate Request

SEP 12 2019

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Pat / Law Library Supv. Facility/Unit: DO. C. ST Date: 9/16/19
 (Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

I'm requesting a copy of the inmate Request I submitted on Aug 5, 2019 regarding those copies of Policy OP-090134 and one copy of Policy OP-160125. I did not receive a copy of it when you sent the batch of request back from early last → flip

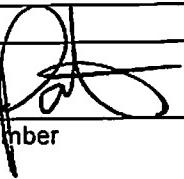
Name: Adams, Xavier DOC # 641545 Unit & Cell #: E: C: 118

Signature: Kameron Adams (Print) Work Assignment: n/a

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

A copy of your IR is in prison mail to you showing you received copies on 9/19/19



Staff Member

Date

9/12/19

EXHIBIT 3

Inmate Request 8/23/19

EXHIBIT 4

Inmate Request 9/9/19

Inmate Request

RECEIVED

SEP 12 2019

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Any Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Law Library Supv. Facility/Unit: D.C.F. Date: 8/23/19
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

Please provide copy services.

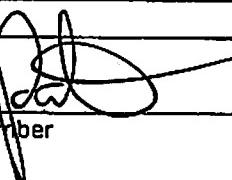
Name: Adams, Xavier DOC # 641545 Unit & Cell # E-C-118
(Print)

Signature: Xavier Adams Work Assignment: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

We'll pick up


Staff Member

Date

9/12/19

RECEIVED

Inmate Request

SEP 1 2019

BY:

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Pvt/Law Library Supervisor Facility/Unit: D.C.F. Date: 9/9/19
 (Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

Please provide copy services.

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E-B-203
 (Print)

Signature: Xavier Adams Work Assignment: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

I will pick up for copies Duplicate

Staff Member

Date

9/12/19

DOC 030101A
 (R 4/19)

EXHIBIT - 5

Inmate Request 8/26/19

EXHIBIT - 6

Inmate Request 9/2/19

EXHIBIT - 7

Inmate Request 9/2/19

RECEIVED

Inmate Request

AUG 27 2019

BY: _____

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Pct/Law Library Supr. Facility/Unit: D.C.F. Date: 9/26/19
 (Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

Please grant access to the legal resource center.

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E-C-118
 (Print)

Signature: Xavier Adams Work Assignment: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

On Access list

Staff Member

Date

9/2/19

DOC 030101A
 (R 4/19)

SFP 12 2019

Inmate Request

BY: _____

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Port/Law Library Supv. Facility/Unit: D.C.E. Date: 9/2/19
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

Please grant me access to the Legal Resource Center.

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E-C-112
(Print)

Signature: Kinner Adams Work Assignment: on/1a

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Dyslicate



Staff Member

Date _____

DOC 030101A
(R 4/19)

RECEIVED

SEP 12 2019

Inmate Request

BY: _____

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Det /Law Library Supr. Facility/Unit: D.C.F. Date: 9/2/19
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

Please confirm the following statement: all inmates whom want access to Law Library/Court must submit a inmate Request prior to Wednesday of that week to obtain access the next week. Meaning the lists are always made 2 weeks in advance → flip

Name: Adams Xavier DOC # 641543 Unit & Cell #: E.C.118
(Print)

Signature: Xavier Adams Work Assignment: n/a

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Lists are made for a week in advance — after the request is received by Law Lib

PDH
Staff Member

Date

9/12/19

EXHIBIT - 8

Inmate Request - 7/15/19

EXHIBIT - 9

Inmate Request - 8/7/19

Inmate Request

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Pat/Law Library Rep Facility/Unit: 72-C-S Date: 7/15/19
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

I am, at need to checkout the Federal Rules of Civil
Procedures for Oklahoma.

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E-C-118
(Print)

Signature: Xavier Adams Work Assignment: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

which district?

Staff Member

Date

AUG 05 2019

RECEIVED

Inmate Request

AUG 15 2019

BY:

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Det/Law Library Sup. Facility/Unit: D.C.E. Date: 8/7/19
 (Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

I am, & I need to check out. The Federal Rules of Civil Procedures for Oklahoma. That book covers all three Oklahoma Federal districts. Which are Northern (or) Northern, Eastern and Western districts.
Please provide me → a slip

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E.C. 112
 (Print)

Signature: Karen Adams Work Assignment: 971A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

You have FCC access the TRCP are on the computer
 for your access. It is very mindful of your
 deadline time.

Dale
Staff Member

Date

8/15/19DOC 030101A
(R 4/19)

at your earliest convenience. I am on a deadline so
be mindful of that.

EXHIBIT - 10

Inmate Request - 8/5/19

EXHIBIT - 11

Legal Disbursement - 9/13/19

EXHIBIT - 12

Access to Courts/Law Library Policy 030115 IV(D)(5)

RECEIVED

AUG 06 2019

BY:

Inmate Request

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Pat/law library dr Facility/Unit: D.C.S. Date: 8/5/19
 (Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

I'm requesting the purchase of three copies of P.T.D.
 L 2018-0001 addressed to D. Jones dated 12-28-17. I want
 the P.T.D., with the longest response. It. in my
 P.T.D. log.

Thank you!

Name: Adams, Xavier DOC # 641545 Unit & Cell #: E-0-108 EB-203
 (Print)

Signature: Xavier Adams Work Assignment: n/a

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

LTS 2018-0001 That is on file will be sent to you at .425 a page.

Pat
 Staff Member

Date

9-13-19

DOC 030101A
 (R 4/19)

Charge!
INMATE'S REQUEST FOR DISBURSEMENT OF LEGAL COSTS

I, Adams, 1041545, request the following for the
 (Print Name) (DOC Number)
 purpose of securing legal redress per OP-030115:

 copies of the attached document, Legal Documents Legal Resource Center

RTS Copies

(Description)

1 copies of each of the originals.

Total copies requested x 25¢ each page:

 #10 plain white envelope(s), no return address, at 5¢ each

 Manila envelope(s), at 10¢ each

 First class postage

 Certified services to document initial filing in court

 Plain paper or blank forms (8 ½ X 11 only), at 5¢ each

 Printing from computers at 25¢ per page

 Notary service, at \$1.00 per notarization

DISBURSEMENT TOTAL - \$

I understand that in accordance with OP-030115, I will be charged for the above amounts and that this is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover these costs related to court-imposed or rule-imposed deadlines, the amount will be collected as soon as funds become available.

Inmate's Signature/Date/Time

Law Library Supervisor's Signature/Date/Time

Date the requested services/items were provided:

Date the requested services/times were rejected and, if applicable, material returned to the requesting inmate. If rejected, state why for each service/item:

Law Library Supervisor Signature

Date/Time

Trust Fund Officer: \$

Withdrawn from trust fund draw account

\$

Balance due, to be collected as soon as funds become available in trust fund draw account (account debited)

Signature of Trust Fund Officer

Date/Time

Original: Trust Fund Officer
 1st Copy: Inmate
 2nd Copy: Law Library Files

DOC 030115A (R 8/17)

Section-03 Facility Operations	OP-030115	Page: 8	Effective Date: 01/07/2015
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- funds;
- f. In excess of the judicial requirements for the number of required sets for distribution (Examples: Requesting ten copies of a pleading when there are only three defendants; the attaching of exhibits to a pleading that does not allow the attachment of exhibits); or
 - g. Duplicate material is already available to the judiciary and opposing counsel (Example: Copies to both the defendant and to his or her attorney).
5. The law library supervisor will ensure the photocopies are available within 48 hours (excluding weekends and holidays) after the documents were submitted for photocopying. Staff will only view material for photocopying to the extent necessary to determine whether appropriate for legal photocopying and to ensure legible copying by the machine.
 6. Photocopying services will be provided by the law library supervisor.
 7. At no time is an offender to have access to a copier/printer/scanner without permission from the law library supervisor.

E. Postage/Envelopes

1. To assist offenders in making confidential contact with the courts and their attorneys of record relating to conditions of confinement or post conviction relief, postage/envelopes to the courts and the offender's attorney of record will be provided by the facility at cost to the offender.
 - a. An "Offender's Request for Disbursement of Legal Costs" form will be completed for all requests for postage/envelopes from the law library. The offender may purchase the postage or envelopes from the facility canteen.
 - b. For those offenders without funds available at the time of the request, the costs will be collected from the offender as soon as funds become available in his or her trust fund.
2. Certified mail services will be available to offenders, at cost to the offender, to document the first delivery of the complaint/petition/petition in error to the court clerk only, at both district and appellate level.
 - a. An "Offender's Request for Disbursement of Legal Costs" form will be completed for all requests for certified mail.

This is subscribed and sworn to on 1 day
of October, 2019 by, Xavier Adams

/S/ Xavier Adams



/S/ Carla Hoover

Notary Public

My commission Expires: 4-15-2023

my commission number: 11003473